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Of Attorneys for Defendant G4S Secure Solutions (USA) Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DAVID PITTS,

No. 3:20-cv-00074-AC

Plaintiff,

vs.

**DEFENDANTS' RULE 12(b)(6) MOTION
TO DISMISS CLAIMS THREE, FIVE,
SIX, AND SEVEN OF PLAINTIFF'S
COMPLAINT**

G4S SECURE SOLUTIONS (USA) INC.,
a foreign business corporation;
STEWART BECKER, an individual;
PAUL TRAYNOR, an individual; and
FACEBOOK, INC., a foreign business
corporation,

Defendants.

Consistent with Fed. R. Civ. P. 12(b)(6), Defendants G4S Secure Solutions (USA) Inc.; Stewart Becker; Paul Traynor; and Facebook Inc., respectfully request this Court dismiss Claims Three, Five, Six, and Seven of Plaintiff's Complaint for the following reasons. First, in Claim Three, Plaintiff alleges facts insufficient to state a claim for association discrimination. Second, in Claim Five, Plaintiff fails to attribute any action to Messrs. Becker and Traynor to establish a claim for aiding and abetting. Third, in Claim Six, Plaintiff cannot establish a duty owed by Facebook in support of his negligence claim because Facebook was not at any relevant time Plaintiff's employer. Finally, in Claim Seven, because Plaintiff was not a third-party

beneficiary to the Security Services Agreement between G4S and Facebook, his claim for breach of contract must be dismissed.

Respectfully submitted,

s/ Luke Reese

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s/ Kelly Eisenlohr-Moul

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Dated February 3, 2020.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served the foregoing **DEFENDANTS' RULE 12(b)(6) MOTION TO DISMISS CLAIMS THREE, FIVE, SIX, AND SEVEN OF PLAINTIFF'S COMPLAINT** on the date indicated below,

- ☒ Via First-Class Mail with postage prepaid
- ☒ Via Electronic Filing
- ☐ Via Facsimile Transmission
- ☐ Via Hand Delivery
- ☐ Via Overnight Delivery

to the following person(s) a true copy thereof, contained in a sealed envelope (if other than by facsimile transmission), addressed to said person(s) at their last known addresses indicated below:

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DATED February 3, 2020.

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